

**DATE:** November 25, 1992

**TO:** Division of Shellfish Sanitation  
Professional Staff

**THROUGH:** Eric H. Bartsch, P.E., Director  
Office of Water Programs

**FROM:** Robert E. Croonenberghs, Ph.D, Director  
Division of Shellfish Sanitation

**SUBJECT:** Shellfish Plants – Procedure – Improper Out-Of-State Shellstock Tags

The purpose of this working memo is to provide the procedure to be followed when one encounters improper out-of-state shellstock tags.

When shellstock is sent through interstate commerce, certain information is required by the NSSP to accompany the product (see Part II, Sec. B.5. and Part II, Sec. E.3. of the NSSP manual and DSS Working Memo #S199). If product is shipped in bulk (untagged shellstock either loose or containerized) to a dealer for shucking or repacking, then a transaction record or Bill of Lading that has all the information that is required on a tag is sufficient. The order of information is not important on the transaction record.

Taking enforcement actions on improper shellstock tags will be a sensitive issue. Just as stated by directive to the industry however, we will enforce this policy. We must keep in mind when enforcing this policy that our goal is to correct the problem of improper shellstock tags, not to exclude out-of-state dealers. If the Division is contacted during the enforcement process by a dealer who can show that he is in the process of correcting the problem, he will be granted a grace period. A written time frame for correction will be established with the dealer in an informal consent agreement. A letter stating the agreed upon time frame will be sent as a confirmation. If the dealer has not corrected the problem by the established date in the consent agreement, the enforcement action will be pursued as identified in step three below.

Unless a dealer has an established consent agreement with DSS, the enforcement action to pursue when improper shellstock tags are encountered is as follows:

1. First offense, notify the dealer by letter (see example letter A) to apprise him of the NSSP requirements. In addition, he must be informed that VDH may pursue regulatory action if the problem is not corrected.
2. Second offense, notify the dealer by letter (see example letter B) stating that as a result of the continuing problem, future shipments of his product have been excluded from Virginia markets.
3. Third offense or lack of compliance with an established consent agreement, product

is to be embargoed and picked up by the shipper and taken back.

Example A

Date

Dear Sir:

The National Shellfish Sanitation Program (NSSP) requires shellstock shipping tags to contain at a minimum specific types of information arranged in a specific order. These requirements may be found in the *National Shellfish Sanitation Program Manual of Operations Part II* (1990), section B5 (enclosed).

Shipment(s) of shellstock from your company to Virginia dealers have been inspected and the attached shipping tags did not meet NSSP requirements. The purpose of this letter is to inform you that in order to avoid possible embargo of shipments of your products in Virginia, it will be necessary that all future shipments of shellstock shipped into Virginia meet the shipping tag information and order requirements of the NSSP. If circumstances exist which you believe are cause for special consideration in this matter, you must contact this office **prior to the delivery** of other improperly tagged shipments into Virginia.

Your cooperation in an early resolution to this problem is essential in order to prevent the exclusion of your products from Virginia markets. All correspondence concerning this matter should be directed to the Richmond office of the Division of Shellfish Sanitation at (804) 786-7937.

Sincerely,

Robert E. Croonenberghs, Ph.D., Director  
Division of Shellfish Sanitation

Enclosure  
cc: Enforcement File

Example B

Date

Dear Sir:

This letter is to inform you that it has become necessary to exclude from Virginia markets shellstock shipped from your company with your current tags.

This action is necessary for the following reasons:

You were notified by this office in a letter dated \_\_\_\_\_ that improperly tagged shipment(s) of shellstock from your company had been found in Virginia.

You were directed at that time to ship only properly tagged shellstock into Virginia or contact this office if circumstances existed for which you request special consideration.

The Division of Shellfish Sanitation has received no response from your company regarding this matter.

Improperly tagged shipments from your company have continued to be delivered in Virginia indicating that you do not plan to bring your shipping tags into compliance with the National Shellfish Sanitation Program (NSSP).

Please note that future shipments found in Virginia with the same improper tags will be embargoed by the Division of Shellfish Sanitation. Please contact this office if you wish to discuss this action. Shipments from your company to Virginia markets may resume only when proper shipping tags have been acquired and are in use.

Sincerely,

Robert E. Croonenberghs, Ph.D., Director  
Division of Shellfish Sanitation

cc: Enforcement File